



Newtown St Boswells Melrose TD6 0SA

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Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000097463-002

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Keppie Planning & Development

You must enter a Building Name or Number, or both:*

Ref. Number:

Building Name:

First Name: *

Laura

Building Number:

160

Last Name: *

English

Address 1 (Street): *

West Regent Street

Telephone Number: *

01412040066

Address 2:

Extension Number:

Town/City: *

Glasgow

Mobile Number:

Country: *

UK

Fax Number:

01412250210

Postcode: *

G2 4RL

Email Address: *

lenglish@keppiedesign.co.uk

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Mr"/>
Other Title:	<input type="text"/>
First Name: *	<input type="text" value="Fred"/>
Last Name: *	<input type="text" value="Millar"/>
Company/Organisation:	<input type="text"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

You must enter a Building Name or Number, or both:*

Building Name:	<input type="text" value="Nethermains Farm Cottage"/>
Building Number:	<input type="text" value="3"/>
Address 1 (Street): *	<input type="text" value="Chilinside"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Duns"/>
Country: *	<input type="text" value="Scotland"/>
Postcode: *	<input type="text" value="TD11 3LD"/>

Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>
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Full postal address of the site (including postcode where available):

Address 1:	<input type="text"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text"/>	Town/City/Settlement:	<input type="text"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text"/>
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites.

<input type="text" value="Land at Nethermains Farm, Chilinside, TD11 3LD"/>

Northing	<input type="text"/>	Easting	<input type="text"/>
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Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

<input type="text" value="Erection of dwellinghouse and detached garage"/>
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Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to accompanying grounds for appeal letter

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review: * (Max 500 characters)

It is noted to the panel members that there has been a change in personal circumstances in relation to the appellant. Whilst the occupant of the house should not be a material consideration in determining the appeal in relation to Policy D2(a), it is noted that the appellant no longer intends to occupy the house and his grandson who works on the farm will be the future occupant. The appellant has recently moved into one of the existing farm cottages. This is noted for information only.

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Grounds for appeal letter; Appendix 1 application package consisting of block plan, design statement, elevations, first floor plan + cross section, garage floor plan + roof plan, ground floor plan, location plan, application forms + certificates and supporting planning statement; Appendix 2 Decision Notice and Appendix 3 Case officer report of handling.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

14/00934/FUL

What date was the application submitted to the planning authority? *

01/09/14

What date was the decision issued by the planning authority? *

18/03/15

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be conducted by a combination of procedures.

Please select a further procedure *

Inspection of the land subject of the appeal. (Further details below are not required)

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? * (Max 500 characters)

It would be beneficial to the panel members to experience the character and setting of the farm and the relationship of the existing residential properties.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

panel members should be able to visit the site without any barriers. It is noted that the appeal site is located within a working farm and advance warning of a site visit may be beneficial to the farm owners to ensure there are no barriers to the panel members.

Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? * Yes No

Have you provided the date and reference number of the application which is the subject of this review? * Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? * Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review * Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Laura English

Declaration Date: 16/06/2015

Submission Date: 16/06/2015

16th June 2015;

Our Ref: 213455/LE

**Scottish Borders Council
Local Review Body**

****sent via e-planning only****

Dear Sirs,

**LOCAL REVIEW BODY APPEAL
ERECTION OF A DWELLINGHOUSE AND DETACHED GARAGE
AT LAND WEST OF 3 NETHERMAINS COTTAGE, DUNS, SCOTTISH BORDERS**

INTRODUCTION

Keppie Planning have been instructed to prepare this statement in support of the appellant's (Mr F Millar) Notice of Review appeal against Scottish Borders Council's refusal of Planning Permission (Ref: 14/00934/FUL) for the proposed erection of dwellinghouse and detached garage at land to the west of 3 Nethermains Cottage, Duns, Scottish Borders.

The application for Planning Permission was submitted to the Council on 1st September 2014. The application was refused via delegated powers on 18th March 2015. The required course of action required to appeal the refused application is to the Local Review Body (LRB). The appeal has been submitted to Scottish Borders Council LRB within the prescribed 3 month period for consideration.

This Grounds for Appeal Statement provides a critique of, and response to, the Reasons for Refusal provided by the Council, and outlines the manner in which the proposed development accords with the development plan and is also supported by other material considerations (please refer to the previously submitted application information). This is provided in the three Grounds for Appeal offered. This appeal statement should be read in conjunction with the originally submitted planning application package (appendix 1).

For clarification purposes, Appendix 1 contains the following information and should be considered alongside this appeal statement:

- Planning application forms and associated land ownership certificates;
- Supporting Planning Statement dated August 2014;
- Drawing No. P291/SK4A: Block Plan;
- Drawing No. P291/SK3: Elevations

- Drawing No. P291/SK2: Floor Plan and Cross Section;
- Drawing No. P291/SK5: Garage Floor Plan and Roof Plan;
- Drawing No. P291/SK1B: Ground Floor Plan;
- Drawing No. P291/LOCA: Location Plan;
- Design Statement

It is important to note that the Supporting Planning Statement provides the main basis for the justification of the new dwellinghouse and this Grounds of Appeal statement seeks to supplement the previous document. It is respectfully suggested that the panel members give full consideration to the application package documents/justification.

In terms of decision making procedures for this appeal to the Local Review Body, the appellant has suggested that a **Site Visit** would be an appropriate determination route for this particular proposal. It is considered that a site visit is of great importance to allow the Local Review Body members to see the site in context of its surrounding environment.

REFUSAL OF PLANNING PERMISSION

The planning permission application (ref: 14/00934/FUL) was refused via delegated powers on 18th March 2015 on the following grounds:

1. **The proposal is contrary to policies G1 and D2 of the Consolidated Local Plan 2011, in that the proposed dwellinghouse would break into a previously undeveloped field outwith the natural boundaries of the building group giving rise to an adverse visual impact on the setting, appearance and character of the building group. Furthermore, no suitable economic or agricultural justification for a further dwelling house in this location has been provided"**

A copy of the decision notice dated 18th March 2015 is included within Appendix 2 of this appeal submission for your review.

The above reason for refusal will be discussed in greater detail within the following section of this statement.

GROUND FOR APPEAL

In response to the Reason for Refusal given by Scottish Borders Council in refusing Planning Permission for dwellinghouse and detached garage at land to the west of 3 Nethermains Cottage, Duns, Scottish Borders, this appeal is being made on the basis of three Grounds for Appeal.

In summary, the Grounds for Appeal are as follows:

1. The proposed dwellinghouse would break into a previously undeveloped field: It is considered that the proposed alteration to the boundary would not negatively impact upon the business operations of the farm or the setting/character/appearance of the building group. The landowner could change the field boundary at any time without the need for planning consent;
2. The proposed dwellinghouse would give rise to an adverse visual impact on the setting, appearance and character of the building group: It is submitted that the proposed dwellinghouse would not negatively impact the setting, appearance or character of the building group;
3. No suitable economic or agricultural justification has been provided: It is submitted that there is no requirement for the appellant to submit economic or agricultural justification under the provision of Policy D2(a).

The above-noted three Grounds for Appeal are discussed in greater detail, in turn, below.

GROUND FOR APPEAL 1

It is submitted that the proposed field boundary alterations are not substantial or significant and would not negatively impact upon the operation of the farm business. The loss of this small area of land to accommodate the proposed dwellinghouse would not impact the farm operations and the appellants are happy to alter the boundary within their land to accommodate the proposals.

The proposals include new mixed tree planting along the newly formed boundaries in addition to the new fence line planted with mixed berry/beech hedge, both of which would enhance and strengthen the natural field boundary which is there at present. It is noted in the case officers report of handling (Appendix 3) that the Council's landscape team had no objections to the proposals subject to the inclusion of a planning condition which would cover the submission of a detailed planting plan and schedule for approval. It is submitted to the LRB panel that the appellant is happy to accept a suitably worded condition in this regard.

It is considered important to note to the panel members that the landowner is quite within his rights to change the field boundary within his land at any time, without the need to apply for planning consent or without the need to seek prior approval from the Planning Authority. It is considered unreasonable for the Council to restrict development of this nature due to the minimal alterations that will be undertaken in relation to the existing field boundary. There are no indications that there are any issues with the scale or design of the proposed dwellinghouse and the case officer has confirmed in the report of handling that the proposed development site would form part of a building group which includes the main farmhouse and the two cottages. It is submitted to the panel members that there

are no alternative suitable locations within the extents of the building group which would not require the proposals to break a field boundary in order to accommodate a new dwelling. The proposed house would not fit comfortably and serve its purpose satisfactorily (i.e. in terms of private amenity space) if the field boundary at this location was not altered.

It is submitted that the alteration of the field boundary at this location is not significant and would not adversely impact the character, setting or appearance of the building group. The proposals can be viewed positively in terms of Local Plan Policy G1 and D2(a).

GROUNDS FOR APPEAL 2

As noted previously in the supporting planning statement which accompanied the planning application (Appendix 1), the proposed development is compliant with the provisions of Policy D2(a) which relates to new housing in the countryside which can be justified in terms of its association with a building group where it does not adversely affect the character of the building group or the surrounding area. It is considered that the proposed dwellinghouse would not adversely affect the character of the building group.

With regard to the relationship of the proposed new house and the existing building group, it is submitted that there are 3 residential properties located within the farm complex at Nethermains farm. There are two cottage properties, which the proposed new house will be located directly adjacent to, and the farm house which is located to the east of the proposed development site. All existing properties are currently in residential use. The existence of these properties within the farm complex, which is well defined by both natural and man made boundaries, creates a building group within which there is scope to introduce a further property without detriment to the character of the building group. The case officer has confirmed in the report of handling that there is an established building group at this location.

The farm complex, due to its layout creates a sense of place which is typical of a rural farm business. The location of the new dwelling adjacent to the existing cottages allows for existing garden ground to be utilised and thus minimising the land take from the agricultural land. The proposals require the slight realignment of one of the field boundaries; however as noted previously, the loss of agricultural land will be minimal and will certainly not impact negatively upon the viability of the farm business.

The design of the new build property has taken cognisance of the character of the existing residential dwellings and created a modern complimentary design which will enhance the overall character of the farm complex (please refer to the design statement in Appendix 1). The proposed house will not adversely affect the character of the surrounding area as the modern rural design will successfully integrate modern living with a rural location. The 1 ¾ storey property will not dominate the landscape and a level of landscape planting has been proposed to mitigate any potential visual impact.

The style of the proposed dwelling has been designed to compliment the surrounding rural area and the existing properties within the farm complex. It is considered that the design proposed will enhance the existing environment without detriment to the character of the rural landscape.

The proposals are considered acceptable in terms of Policies G1 and D2(a) where the development will not adversely impact the setting, appearance or character of the building group.

GROUNDS FOR APPEAL 3

The application sought to justify the proposed new dwellinghouse in relation to Policy D2(a) of the adopted Local Plan which relates to building groups. There is no policy requirement for the appellant to submit economic or agricultural justification in this regard.

It is also noted that in relation to Policy D2(a) there is no requirement for the landowner to enter into a Section 75 agreement with the planning authority to tie the proposed house to the business or restrict the occupancy of the house and therefore there should be no need for a legal agreement of this nature. In any case, it is submitted that Government guidance directs planning authorities away from the use of such obligations. With regard to Circular 3/2012: Planning Obligations and Good Neighbour Agreements formalises the Scottish Governments advice on these matters it is stated that *"imposing restrictions on use are rarely appropriate and so should generally be avoided. They can be intrusive, resource-intensive, difficult to monitor and enforce and can introduce unnecessary burdens or constraints"*.

It is considered that the proposed dwellinghouse is compliant with the provisions of Policy D2(a) and that there is no requirement for the appellant to submit economical or agricultural justification where the house has been satisfactorily justified in terms of its contribution to the existing building group.

NEW INFORMATION

As previously noted, the new dwellinghouse has been justified in terms of its association and extension to an existing building group and the occupation of the house should not be given undue weighting in this regard. It was however noted during the processing of the application that it was the intention of the appellant to move into the new house as he wished to return to the farm to work on a semi-retired basis. This information was provided as a supplementary note to advise the planning authority of the background to the application.

We would like to advise the panel members that there has been a change in personal circumstances in relation to the appellant. It is noted that the appellant no longer intends to occupy the house and it is now the intention that his grandson, who works on the farm, will be the future occupant. The appellant has recently moved into one of the existing farm cottages and will continue his work on the farm on a semi retired basis from this property.

Again this is provided for information only and should not be given unnecessary weighting in relation to the justification of the assessment of the proposals in relation to Policy D2(a).

CONCLUSIONS

To summarise, we would highlight that the proposals before the Local Review Body:

- Are compliant with the adopted Scottish Borders Local Plan and the Scottish Borders Local Development Plan Proposed Plan;
- Specifically they can be justified in terms of the Council's building groups Policy D2(a) and new developments quality standards Policy G1;
- Include new mixed tree planting along the newly formed boundaries in addition to the new fence line planted with mixed berry/beechn hedge, both of which would enhance and strengthen the natural field boundary which is there at present;
- The proposed field boundary alterations are not substantial or significant and would not negatively impact upon the operation of the farm business;
- Received **no objections** from any statutory consultees or third parties;
- Chirnside Community Council had no issues with the proposals as they identified that there was already an existing building group on site;
- Are appropriate in terms of scale, massing and design;
- Won't detrimentally impact upon the surrounding rural landscape or negatively impact upon the setting, character or appearance of the building group;
- Can be viewed positively with regard to Scottish Planning Policy (SPP) 2014;

Accordingly, this application is commended to the Local Review Body and we trust the proposals will receive approval.

If you require any further clarification regarding any of the matters raised in this statement or with any of the information contained within the Appendices, please do not hesitate to contact me.

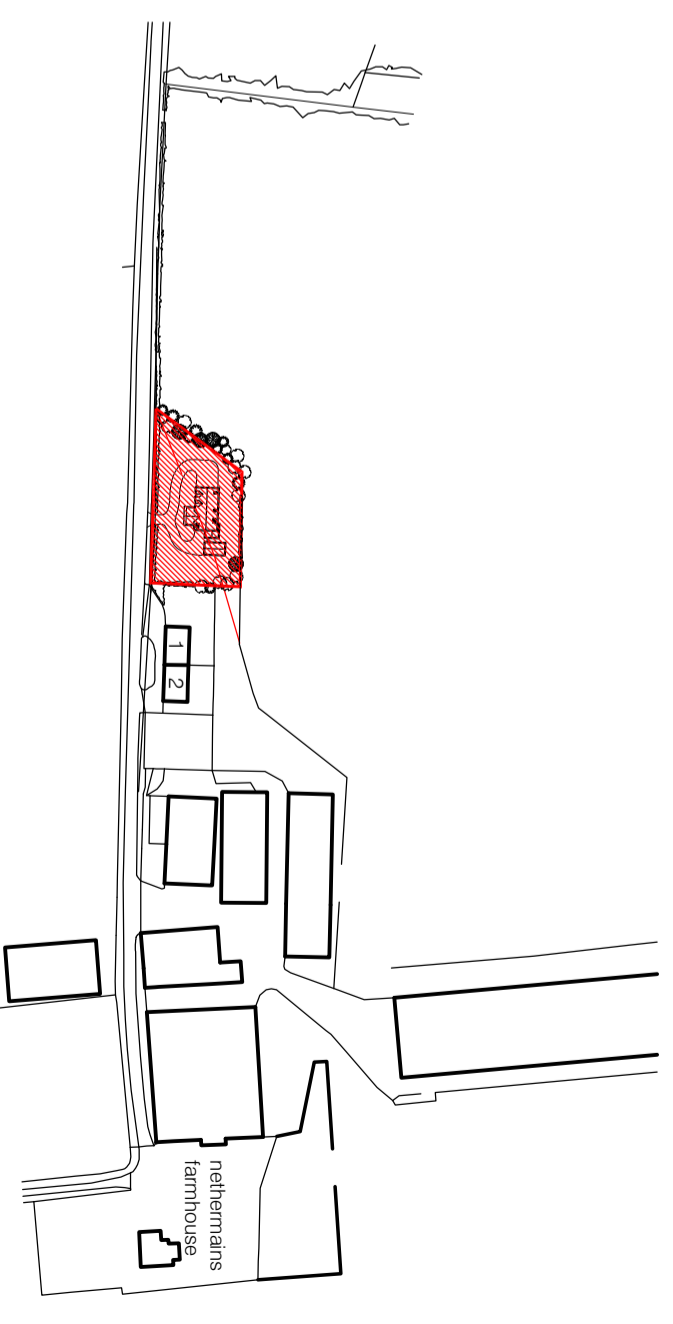
Yours faithfully,



Laura English
Senior Planner
lenglish@keppiedesign.co.uk

outline specification

planting - mixed local species tree planting to planning dept approval
hedgerows - mixed berry/beech hedgerow fenced either side with timber post + stock fence wire
access drive - farmac wearing surface to SBC roads dept approval to 1st 5m
access drive - 80mm gravel finish over hardcore base to main drive
drainage - new dwelling foul drainage served by upgraded septic tank system
drainage - rainwater taken to existing field tile system



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schematic block plan

proposed dwelling house
for mr + mrs millar

drawing no: P291/SK4A scale: 1:500/1:2500 @ A3

STUART DAVIDSON ARCHITECTURE

DESIGN STATEMENT IN SUPPORT OF:

PROPOSED DWELLING AT NETHERMAINS FARM, CHIRNSIDE

Introduction

- We have created the design not only in conjunction with the Design + access statement guides within the Scottish Borders Local Plan “New Housing in the Borders Countryside” document but also that of the Joseph Rowantree Foundation “Lifetime Homes” document.

Site Locality + Background Appraisal

- The design statement is submitted as part of the full application for the formation of a new dwelling house designed to sympathetically be constructed as an addition to the existing building grouping of Nethermains Farm, consisting of 3 existing dwelling houses + varying farm buildings.

Access + Topography

- It is proposed to create a new dedicated vehicular access from the existing farm access drive formed with minimal disturbance through the existing site hedgerow.
- The driveway will be created to fully comply with SUDS formed with porous tarmacadam to the 1st 5m at the junction with the main drive, with a transition to the new driveway + parking areas formed from hardcore base + 80mm loose gravel wearing course
- Existing fencing will be retained or replaced with new timber post + wire fencing formed to encompass the site with mixed berry + beech hedgerow planted to all boundaries integrating the site into the existing landscape.

Physical + Aesthetics

- The design ethos has been taken from the traditional heights, lines + gable forms of the existing dwellings located within the surrounding area, the aim of the property is to create a contemporary vision of the traditional t shaped farm cottage.
- The focus of the proposed development is to create a building that is created from high quality local materials creating a continuous external aesthetic.
- It is proposed that the building will be maximum 1¼ storey height with abutting roofscapes stepping with traditional forms.
- The building has been designed with sustainability at the heart of the project with the structure formed from an oversized timber structure incorporating “super insulation” throughout ensuring that cold bridging is removed from every junction with airtight sealing to the internal to surpass airtightness standards.
- The mixture of the above provides a highly sustainable envelope for the building Which will require very low energy consumption, causing minimal disturbance to the existing topography, this will be complimented by a single multi fuel stove + heat recovery system.

- The proposed floor level has also been set to allow views from the new dwelling whilst also nestling into the existing building lines + inset within the traditional boundaries along with the introduction of local mixed species tree planting groupings to integrate the site into the mature surroundings.
- The dwelling has been designed as a contemporary twist on traditional structure forms this is reflected in the apertures of windows + angles of roof. The material choice is specific to blend blocks of material colour + also mixing the material finishes with smooth render complimenting the undulations of natural stone + timber.
- Each area not just room within the building has been designed in a way to utilise natural light throughout the daylight hours reducing any reliance on artificial lighting.
- The internal spaces have been created to extenuate the feeling of volume with central hub points for each of the main areas with interlinking spaces all with specific uses creating little or no unused service corridors.
- The pallet of materials proposed for the dwelling on the approval of the Planning Department reflect the natural surroundings + traditional materials of the area with natural random stonework with plumbed stone corners with no dressed stone or precast, to the main feature areas, natural slate roofing to reflect the traditional roofscapes of the area, highly insulated aluminium clad timber windows pre finished in dark grey with the remainder of walls finished in scraped finish render + larch cladding utilised to set the building + its detached garage into its natural environment

Structure + Sustainability

- The dwelling will be constructed from low VOC, sustainable materials taking advantage of modern methods creating a highly insulated airtight construction, which in turn will reduce the energy needs of the building.
- It is proposed to finish the new access driveway in a fully permeable surface to encourage SUDS + also ensure that the surrounding visual area is not impacted.
- All drainage will be sustainably disposed via land drainage following treatment in a controlled manner.

Supporting Information

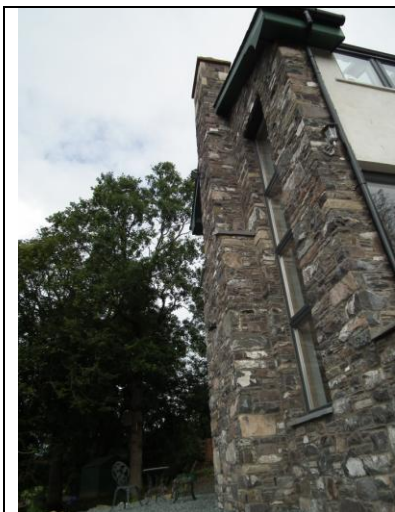


Fig 1 Proposed whinstone feature walling



Fig 2 Proposed timber cladding + rainwater goods

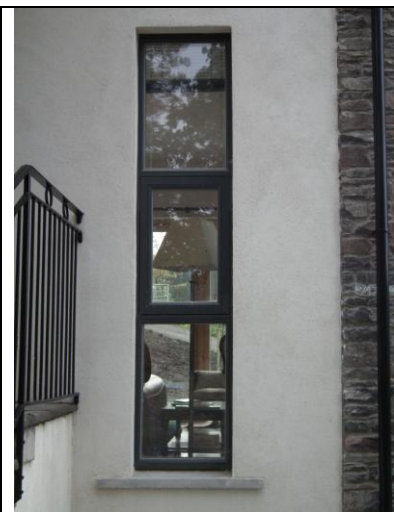
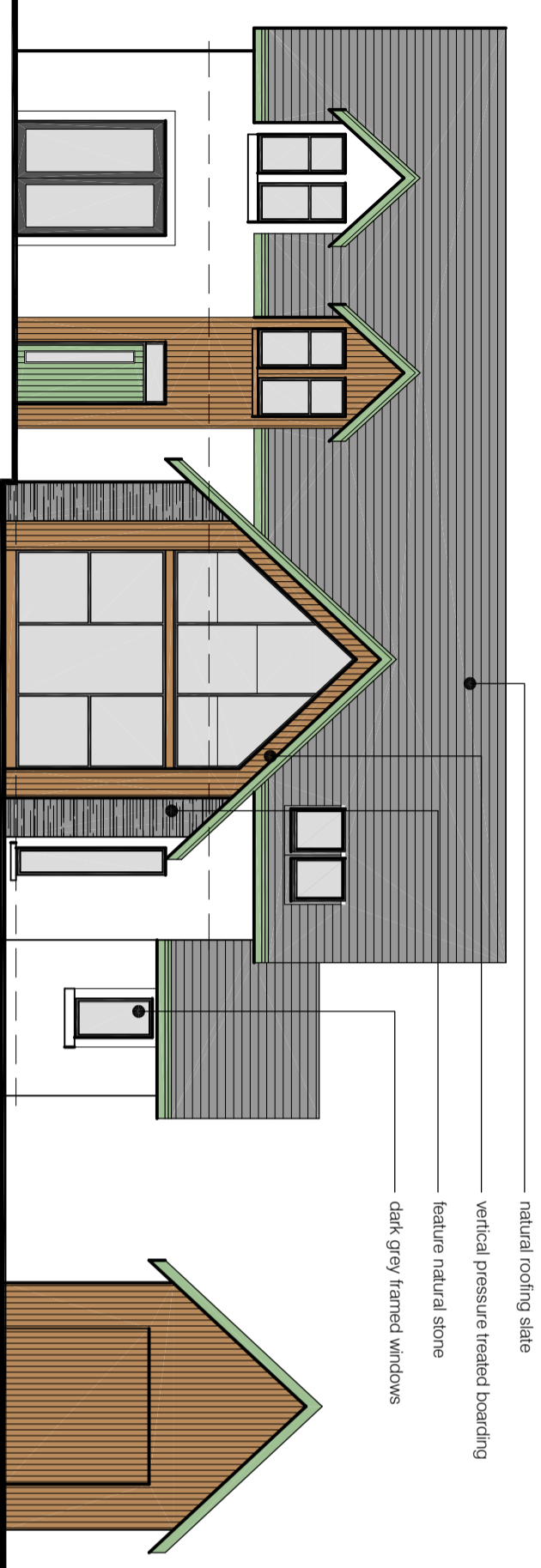
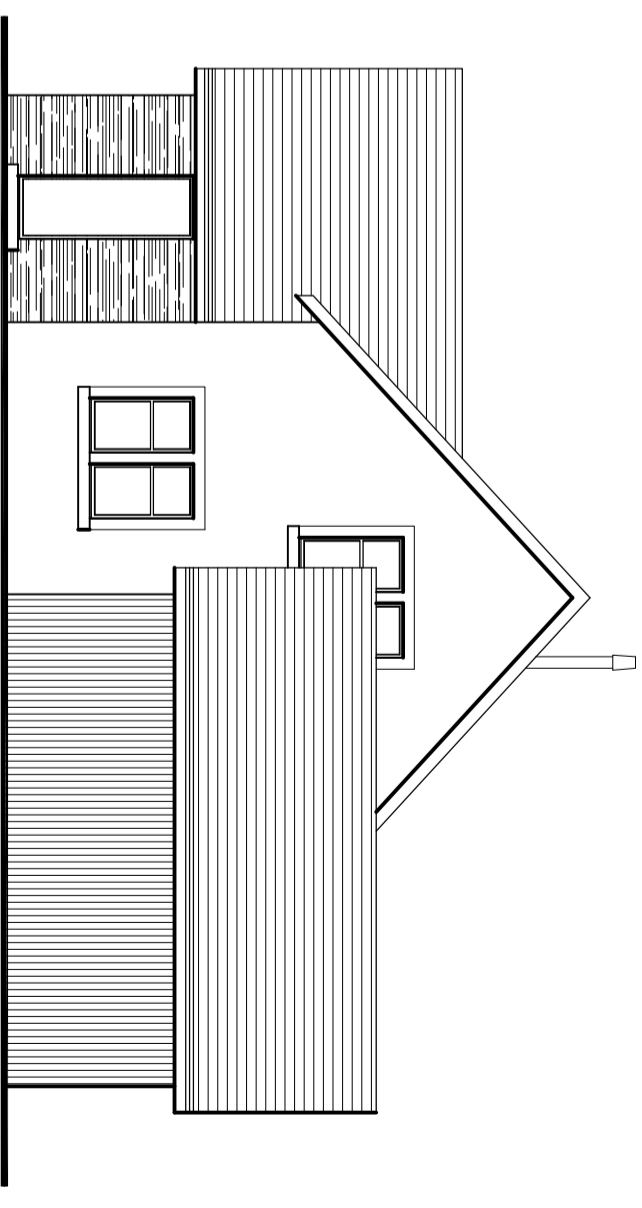


Fig 3 Proposed aluminium clad timber window style + colour

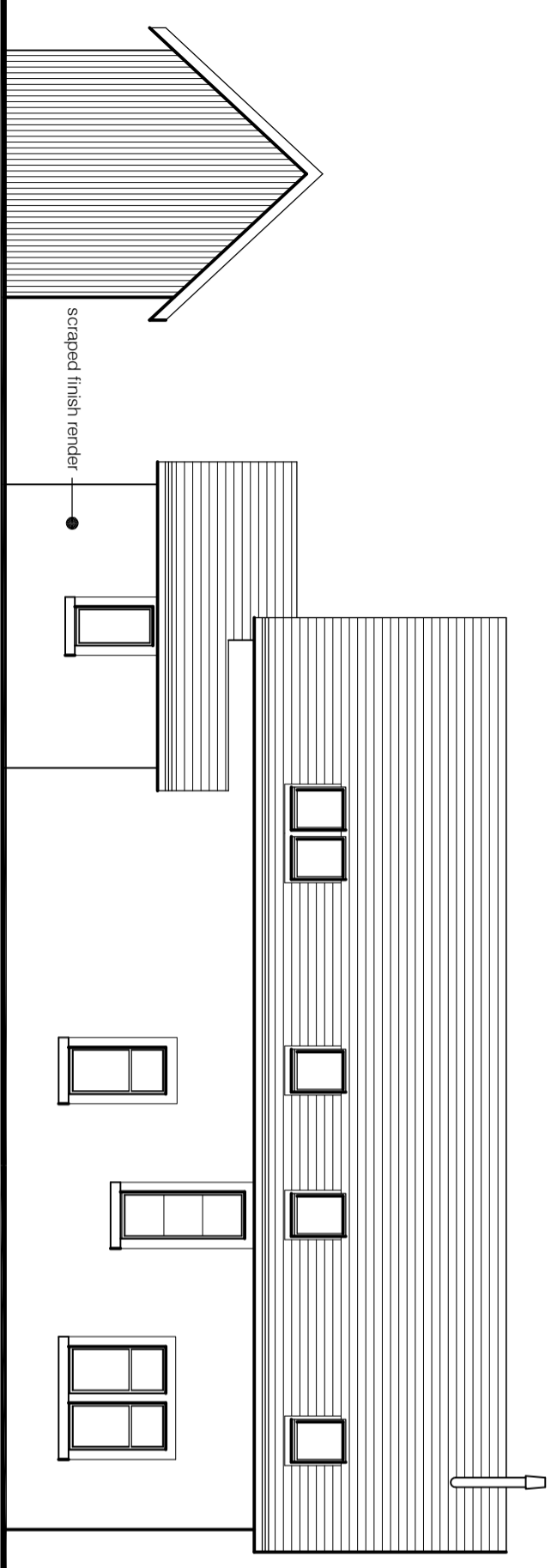
- Please refer to all drawings associated with the application.



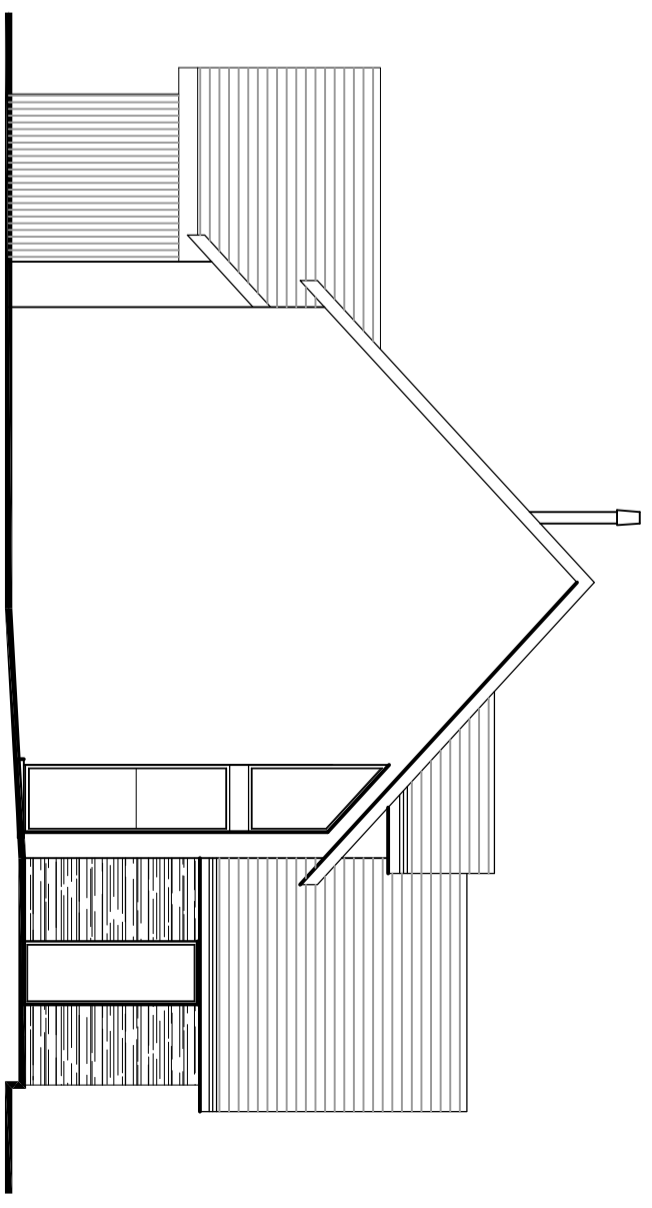
proposed front elevation
 scale 1:100



proposed side elevation
 scale 1:100



proposed rear elevation
 scale 1:100

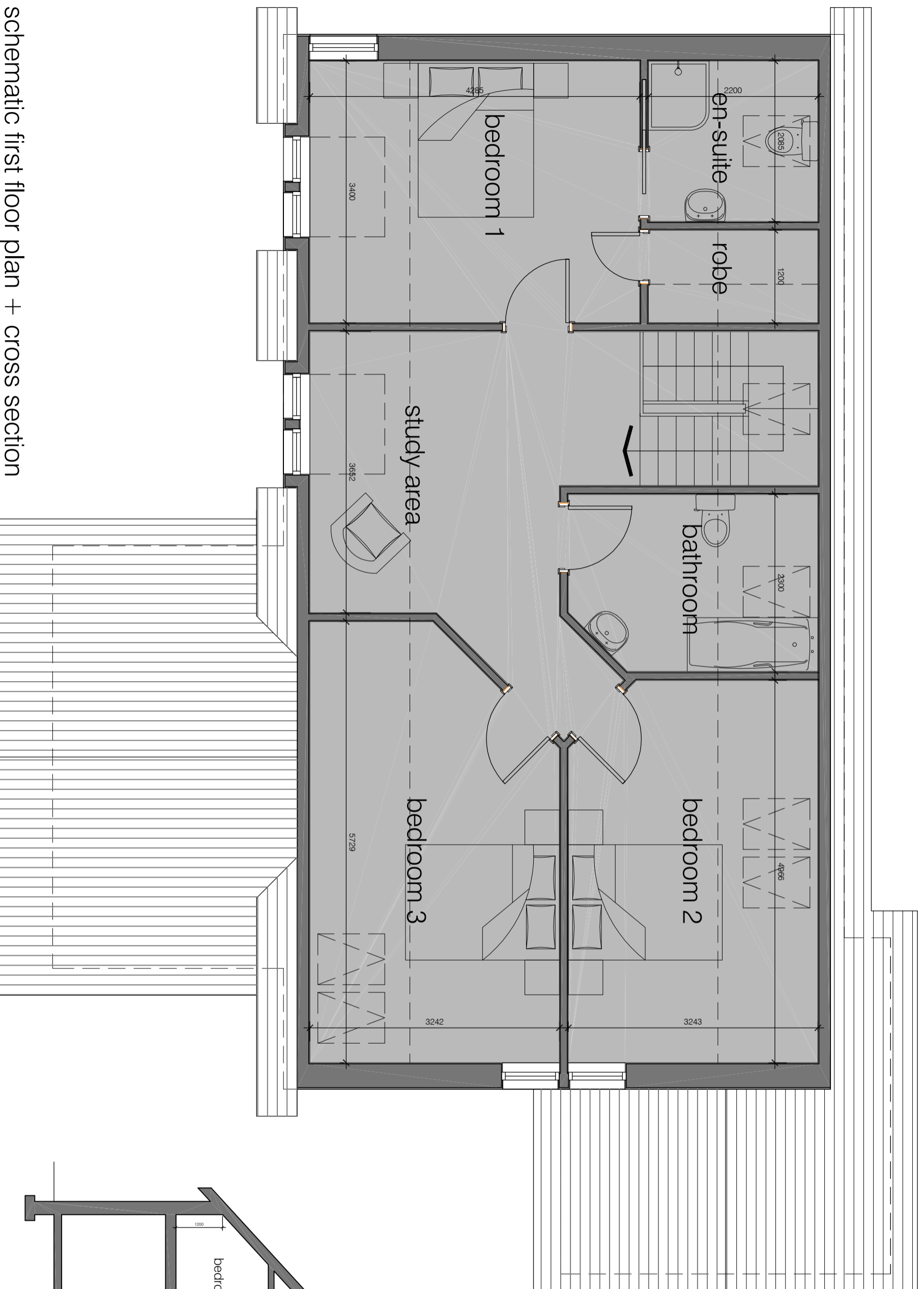


proposed side elevation
 scale 1:100

schematic elevations

proposed dwelling house at nethermains farm, chirnside
 for mr + mrs millar

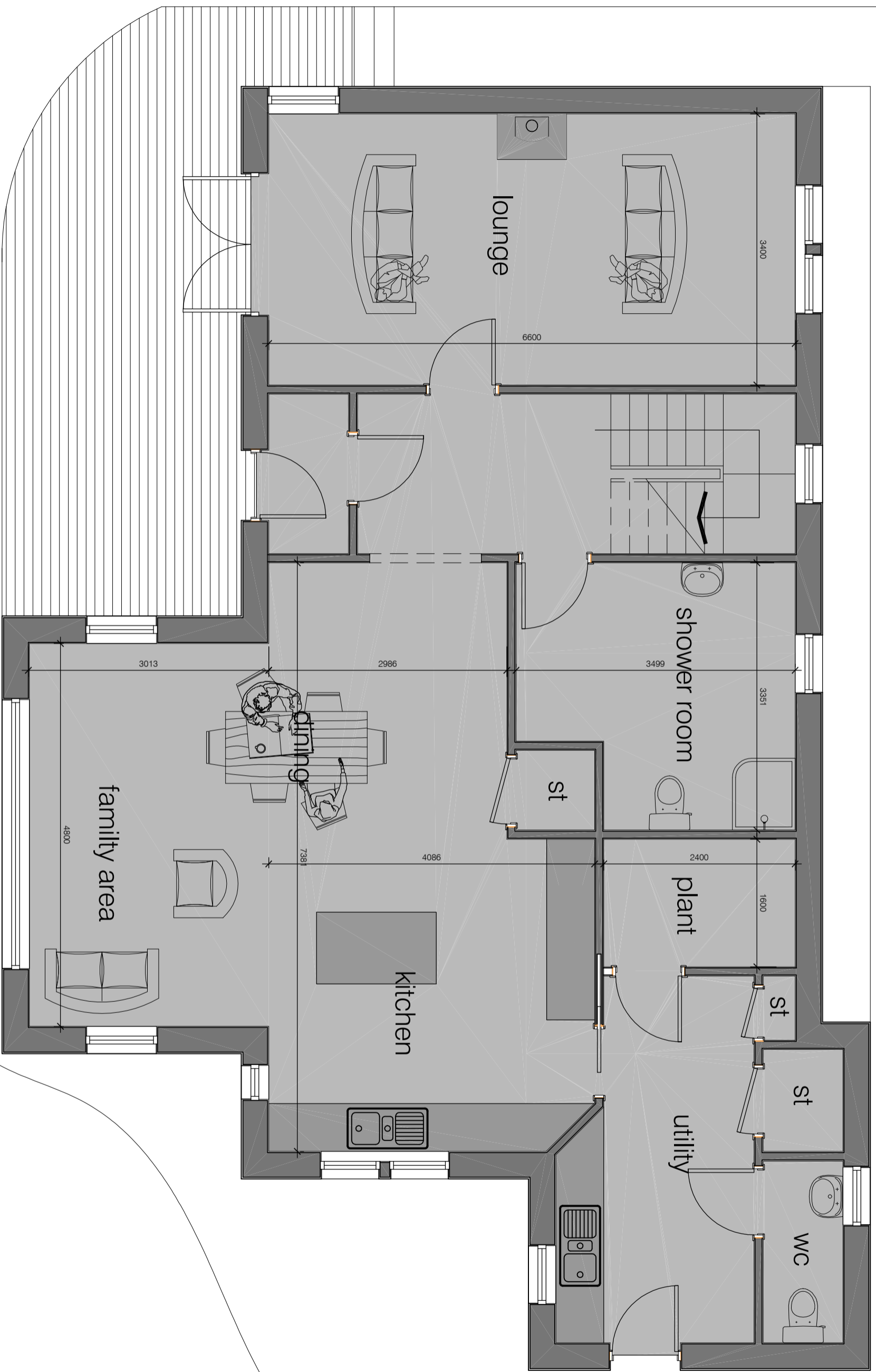
STUART DAVIDSON ARCHITECTURE



schematic first floor plan + cross section

proposed dwelling house at nethermain's farm, chirinside
for mr + mrs millar

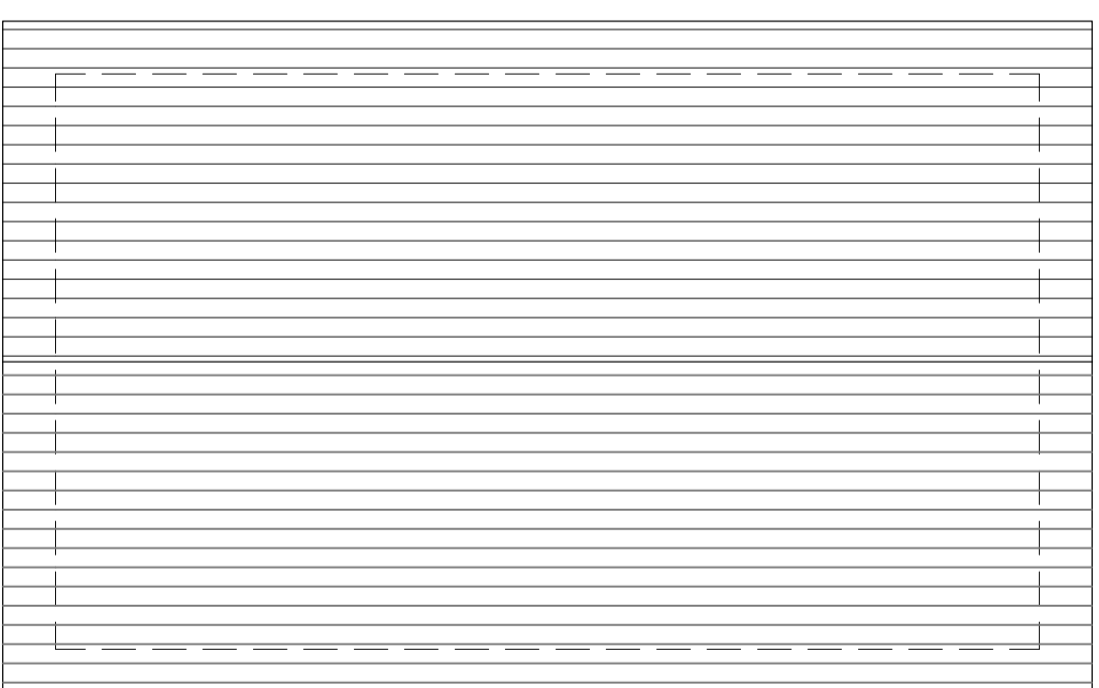
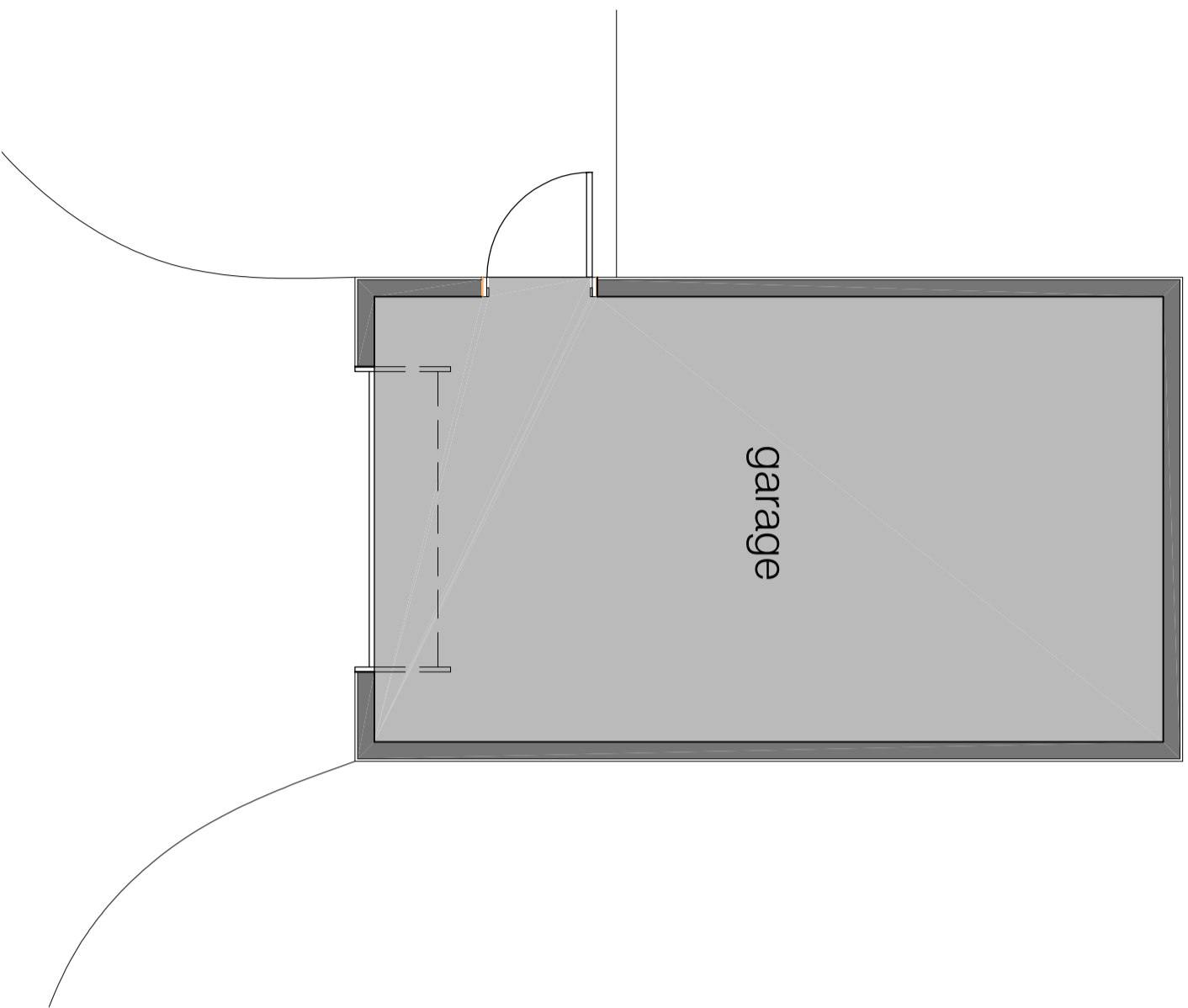
STUART DAVIDSON ARCHITECTURE



schematic ground floor plan

proposed dwelling house at nethermains farm, chirnside
for mr + mrs millar

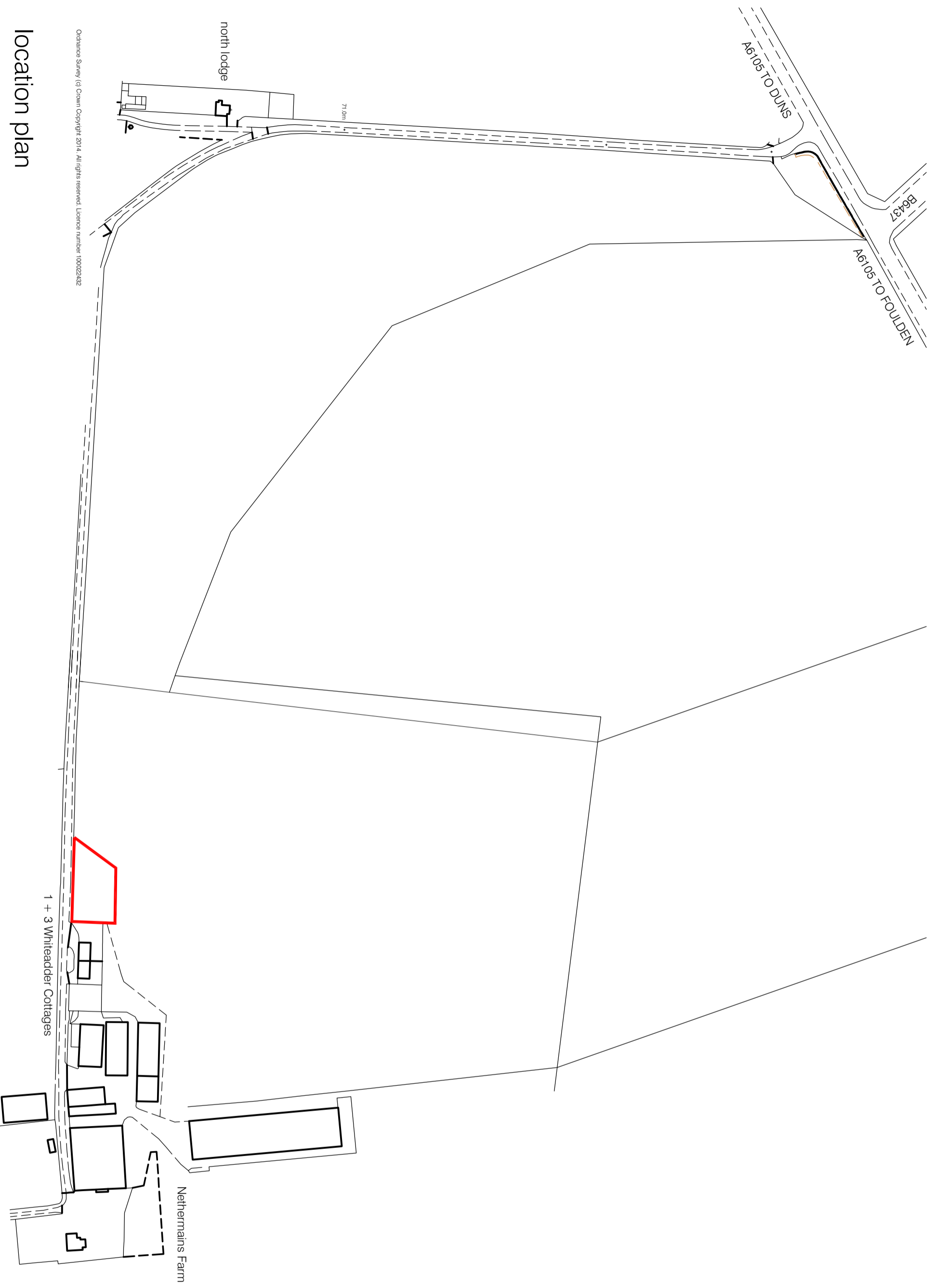
STUART DAVIDSON ARCHITECTURE



schematic garage floor plan + roof plan

proposed dwelling house at nethermain's farm, chirnside
for mr + mrs millar

STUART DAVIDSON  ARCHITECTURE



location plan

proposed dwelling house at nethermains farm, chirnside
for mr + mrs millar

STUART DAVIDSON ARCHITECTURE



Newtown St Boswells Melrose TD6 0SA

Tel: 01835 825251

Fax: 01835 825071

Email: itsystemadmin@scotborders.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000097463-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

We strongly recommend that you refer to the help text before you complete this section.

- Application for Planning Permission (including changes of use and surface mineral working)
- Application for Planning Permission in Principle
- Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erection of a single dwellinghouse with associated access, infrastructure, landscaping and miscellaneous works

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Have the works already been started or completed? *

- No Yes - Started Yes - Completed

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Keppie Planning & Development
Ref. Number:	
First Name: *	Laura
Last Name: *	English
Telephone Number: *	01412040066
Extension Number:	
Mobile Number:	
Fax Number:	01412250210
Email Address: *	lenglish@keppiedesign.co.uk

You must enter a Building Name or Number, or both:*

Building Name:	
Building Number:	160
Address 1 (Street): *	West Regent Street
Address 2:	
Town/City: *	Glasgow
Country: *	UK
Postcode: *	G2 4RL

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	Mr
Other Title:	
First Name: *	Fred
Last Name: *	Millar
Company/Organisation:	
Telephone Number:	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

You must enter a Building Name or Number, or both:*

Building Name:	Oaklea
Building Number:	
Address 1 (Street): *	Broomdykes
Address 2:	Allanton
Town/City: *	Duns
Country: *	Scotland
Postcode: *	TD11 3LZ

Site Address Details

Planning Authority:

Scottish Borders Council

Full postal address of the site (including postcode where available):

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Land at Nethermains Farm, Chilinside, TD11 3LD

Northing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

1402.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: (Max 500 characters)

part garden ground and part agricultural land

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? *

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? *

2

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
- No – proposing to make private drainage arrangements
- Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) *

Yes No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
- No, using a private water supply
- No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details:(Max 500 characters)

there will be adequate space for private waste and recycling areas

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Are you able to identify and give appropriate notice to ALL the other owners? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Certificates

The certificate you have selected requires you to distribute copies of the Notice 1 document below to all of the Owners/Agricultural tenants that you have provided, before you can complete your certificate.

Notice 1 is Required

I understand my obligations to provide the above notice(s) before I can complete the certificates. *

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that -

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or -

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr Norman Millar

Address:

Nethermains Farm House, Chilinside, Duns, Scotland, TD11 3LD

Date of Service of Notice: *

18/08/14

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or -

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed:

Laura English

On behalf of:

Mr Fred Millar

Date:

15/08/2014

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan. *

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

Declaration Name: Laura English

Declaration Date: 19/08/2014

Submission Date: 19/08/2014

Payment Details

Cheque: Nethermains Farms, 103229

Created: 19/08/2014 13:56

Supporting Planning Statement
Nethermains Farm, Chirnside



Mr & Mrs F Millar

August 2014

213455/LE

Supporting Planning Statement

In respect of

**Erection of a single dwelllighthouse with associated
access, infrastructure, landscaping and miscellaneous
works**

at

Nethermains Farm, Chirside, Duns, TD11 3LD

for

Mr & Mrs F Millar

August 2014

Ref: 213455/LE

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1.0 INTRODUCTION

- 1.1** Keppie Planning and Development have been instructed by our clients, Mr and Mrs F Millar to submit a planning application and associated supporting documents for the proposed erection of a single dwellinghouse with associated access, infrastructure, landscaping and miscellaneous works. This document should be read in conjunction with the accompanying architectural drawings and design statement prepared by Stuart Davidson Architecture.
- 1.2** The proposed development site is located within an existing farm complex to the south east of Duns. The application site area extends to 1402sqm. The new residential dwelling will be located to the west of the two existing cottages which are located off the existing access track into the farm.
- 1.3** The purpose of this document is to assess the appropriateness of our client's proposals in the current policy context. As such, an in-depth analysis of the site, local area and relevant planning background will be provided, before the specifics of the proposals are discussed. An examination of the proposals against the adopted Scottish Borders Consolidated Local Plan 2011 shall then be provided, followed by an analysis of other relevant material considerations, such as the Scottish Borders Proposed Local Development Plan and the recently published Scottish Planning Policy 2014 and Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The document concludes with our recommendations for determination.

Background

- 1.4** Prior to the submission of this current application, the applicants had sought advice from the Planning Authority relating to the potential development of a new home/retirement home to be built within the grounds of the existing farm. At that time, the Council advised that the applicants would not be able to secure planning consent for a new home without the burden of a Section 75 agreement/condition which would place an agricultural tie upon the land (including all other existing farm residences). Following that advice, the applicants moved from the farm building at Nethermains to Oaklea, Allanton, Duns.
- 1.5** Following the departure of Mr & Mrs F Millar (the applicants), the farm house is now occupied by Mr N Millar (the son of the applicant). The applicant has since decided to come out of full retirement and go back to work on the farm on a part time basis (semi retired) and as they are part owners of the farm, they would like to move back onto the farm to allow for ease of access to their employment.

2.0 SITE AND SURROUNDING ENVIRONS

2.1 Figure 1 provides locational details of the site by way of an aerial photograph. The application site covers an area of 1402sqm. The farm has been in existence for a considerable number of years and it continues to operate successfully. The farm is family run with the employment of a small number of casual workers; however the main bulk of the work is carried out by Mr. N Millar (the applicant's son) and also Mr. F Millar (the applicant). The application site is currently used partly as garden ground of the existing cottages and partly agricultural land. The proposals will seek a slight realignment of the field boundary without the detriment to the function of the agricultural use which exists.



Figure 1: Aerial view of site and surrounding environs

2.2 There are a number of existing farm buildings and associated residential properties on the farm; figure 2 below illustrates the existing farmhouse and cottages which are present on site. The farm house and cottages are all currently occupied.



Figure 2: photographs of existing Nethermains Farm house and existing cottages on the farm

2.3 The land is bounded on the north and west by agricultural fields which are currently used for crops, to the east by the gardens of the existing cottage properties and to the south by the existing farm track access road.

- 2.4** In terms of built heritage, the site is not located within or near to a listed structure nor is it located within a Conservation Area, and there are no Scheduled Ancient Monuments in or in the immediate vicinity of the site.
- 2.5** From an examination of the SEPA Flood Risk map (sourced from the SEPA website), the site can be considered to be outwith the areas at risk of flooding.
- 2.6** From review of the SNH interactive mapping system (web based) and the Council Local Plan, the site has no national, regional or local ecological designations within the site or within the surrounding areas. The closest designation is the SSSI and SAC of the River Tweed which is located some distance to the south of the proposed development site. It is considered that the proposed development of an additional house on the farm will not directly impact upon either the SSSI or the SAC of the River Tweed.
- 2.7** The proposal intends to utilise existing access which is taken off the A6105 onto the private access road into the farm.

3.0 THE PROPOSED DEVELOPMENT

- 3.1 This current application seeks planning permission for the erection of a single dwellinghouse with associated access, infrastructure, landscaping and miscellaneous works at Nethermains Farm, Chirnside.

Layout and Proposals

- 3.2 As noted previously, the farm consists of a number of large agricultural buildings and 3 residential properties (one farm house and two cottages). There are seven farm buildings which are currently used for the operational purposes of the farm and all three residential properties are currently occupied. Figure 3 illustrates the relationship of the application site and the existing buildings.
- 3.3 The proposed development seeks the erection of a 1 3/4 storey, three bedroom house. Internally the house will consist of a lounge, kitchen and family area, shower room, utility room, three bedrooms (one with an ensuite), a bathroom and a study area. Externally the house will have a detached single garage.

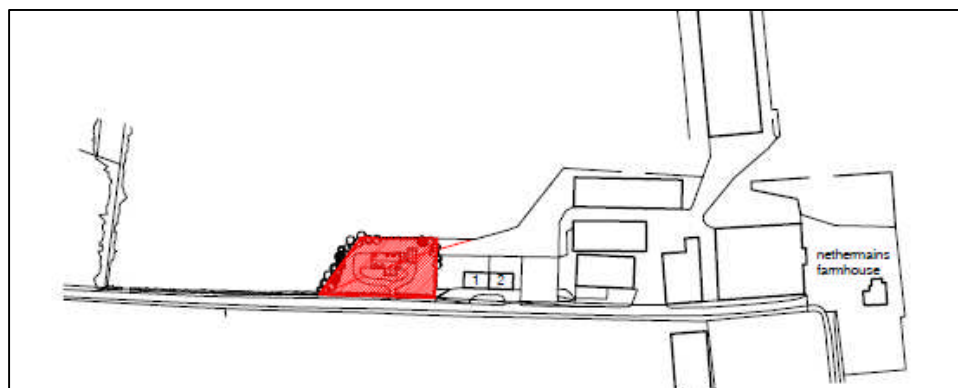


Figure 3: Site plan illustrating the relationship of the proposed dwellinghouse with the existing farm buildings and residential properties

- 3.4 In terms of external appearance of the dwelling house, the full details are provided in the submitted drawings and design statement, though for the avoidance of doubt, the following materials will be used: traditional materials of the area with natural random stonework with plumbed stone corners with no dressed stone or precast, to the main feature areas, natural slate roofing to reflect the traditional roofscapes of the area, highly insulated aluminium clad timber windows pre finished in dark grey with the remainder of walls finished in scraped finish render and larch cladding utilised to set the building and its detached garage into its natural environment. Figure 4 below provides an illustrative image of the proposed front and side elevations of the house.



Figure 4: Elevation of the proposed dwelling at Nethermains Farm

- 3.5** The proposed dwelling will have access to private amenity space to the front and rear of the property and there will be an element of proposed planting along the newly created northern and western boundaries.

Parking/Access Arrangements

- 3.6** The proposed development seeks to take access off the existing farm track which runs to the south of the application site and will form a sweeping driveway to the proposed house. There will be adequate space for onsite parking of vehicles and a detached single garage.

4.0 DEVELOPMENT PLAN POSITION

4.1 Sections 25 and 37 (2) of the Town & Country Planning (Scotland) Act 1997, require that planning decisions be made in accordance with the Development Plan, unless material considerations indicate otherwise.

4.2 The adopted Development Plan, in this instance, comprises the South East Scotland (SES) Strategic Development Plan (2013) and the Scottish Borders Local Plan (2010). The Scottish Borders Local Development Plan (2014) is currently at Proposed Plan stage and should be considered as a material consideration in this regard.

South East Scotland (SES) Strategic Development Plan (2013)

4.3 With regard to the Strategic Development Plan (SDP), it is considered that there are no significant strategic issues which directly relate to these proposals, however the site is located within one of the 13 Strategic Development Areas; the Eastern Borders, where future growth should be directed. It is noted that in terms of the SDP spatial strategy *“aims to respond to the diverse needs and locational requirements of different sectors and sizes of businesses whilst being flexible to changing circumstances”* (SDP page 12, paragraph 21). In this regard it is considered that the proposals before the council are in response to the changing circumstances of the applicant and the need to be located in close proximity to the operation of the farm business. The proposals seek the erection of a modest sized property to allow the applicant to resume his employment on the farm with ease. The location of the property within the farm premises will also reduce the need for travel which promotes sustainability. It is also noted however that the proposals would contribute 1 additional property to the local housing supply in terms of windfall contribution. The increase of 1 additional property is not considered to be strategic in nature.

Scottish Borders Local Plan 2010

4.4 The relevant Local Development Plan for the area is the Scottish Borders Local Plan, and it is considered that the following Local Plan policies and issues would be relevant to the proposal;

- Policy G8: Development Outwith Development Boundaries;
- Policy D2: Housing in the Countryside;
- Policy G1: Quality Standards for New Development

4.5 As the proposed development site is located outwith a settlement boundary it is relevant to consider **Policy G8: Development Outwith Development Boundaries** which states that development outwith settlement boundaries will only be approved in exceptional circumstances, one of which is that *“1. it is a job generating development in the countryside that has an economic justification under Policy D1 or D2”*. It is submitted that the current proposals will be assessed against Policy D2 below. Where the proposals can be justified

in this manner, Policy D8 requires that the proposals comply with the following criteria:

5. Represents a logical extension of the built up area; and

Comment – The proposed development is not located directly adjacent to the nearest settlement of Chirnside and therefore wouldn't be considered as an extension to the settlement in this regard. There is however a locational need for the development to be located outwith the settlement boundary due to the rural nature of the farm business, it is more appropriate for the development to be proposed outwith the settlement boundary and within the existing farm confounds.

6. Is of an appropriate scale in relation to the size of the settlement; and

Comment – Again, as the proposals are located directly adjacent to the settlement, there isn't a need for the proposed new house to relate in scale to the urban properties, it would be more appropriate for the new house to relate in scale to the existing residential and farm properties on the site. In this regard, it is submitted that the proposed new house has been designed with due consideration to the scale of the immediately surrounding properties.

7. Does not prejudice the character, visual cohesion or natural built up edge of the settlement; and

Comment – The proposed scale is considered to be complimentary to the surrounding properties and that the new house will not negatively impact upon the character or visual cohesion of the existing building group in this location. The proposals will not prejudice the character, visual cohesion or natural built edge of the nearby settlement due to its rural location.

8. Does not cause a significant adverse effect on the landscape setting of the settlement or the natural heritage of the surrounding area.

Comment – As noted previously, the site has no national, regional or local ecological designations within the site or within the surrounding areas. The closest designation is the SSSI and SAC of the River Tweed which is located some distance to the south of the proposed development site. It is considered that the proposed development of an additional house on the farm will not directly impact upon either the SSSI or the SAC of the River Tweed. Due to the topography of the site, and proposals to enhance the landscape planting around the property, it is considered that the proposals will not have a significant adverse effect on the landscape setting of the surrounding area.

4.6 In addition to the criterion above, the Council will also consider:

- 1. any indicators regarding restrictions on, or encouragement of, development in the longer term that may be set out in the settlement profile in Section 5;*
- 2. The cumulative effect of any other developments outwith the Development Boundary within the current Local Plan period;*
- 3. The infrastructure and service capacity of the settlement*

4.7 In response to the above criteria, we are unaware of any indicators or other developments which would create a negative cumulative impact as a result of the current proposals for a new house within an existing farm complex. The infrastructure and service capacity of the nearby settlement is not relevant in this instance and it is submitted that the appropriate infrastructure and services can be accommodated within the site without the need for any major works.

4.8 It is considered that the design of the proposed development has given due consideration of its context and setting and is therefore acceptable in terms of the provisions of Policy G8.

4.9 **Policy D2: Housing in the Countryside** has been referenced in Policy G8 above and is directly relevant to the current proposals for the new house within the farm. The policy seeks to demonstrate instances when rural housing will be appropriate which includes in village locations; housing associated with an existing building group or in dispersed communities. In relation to this policy, the proposals will seek to justify approval in terms of the (a) building groups element of the policy which states the following:

“Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:

- 1. The Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented;*
- 2. Any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted;*
- 3. The cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts”*

4.10 It is firstly noted that the proposals seek the erection of a single dwelling house which is compliant with the initial wording of the policy in terms of no more than 2 houses will be permitted.

4.11 With regard to the relationship of the proposed new house and the existing building group, it is submitted that there are 3 residential properties located within the farm complex at Nethermains farm. There are two cottage properties, which the proposed new house will be located directly adjacent to, and the farm house which is located to the west of the proposed development site. All existing properties are currently in residential use. The existence of

these properties within the farm complex, which is well defined by both natural and man made boundaries, creates a building group within which there is scope to introduce a further property without detriment to the character of the building group.

- 4.12** The farm complex, due to its layout creates a sense of place which is typical of a rural farm business. The location of the new dwelling adjacent to the existing cottages allows for existing garden ground to be utilised and thus minimising the land take from the agricultural land. The proposals require the slight realignment of one of the field boundaries; however the loss of agricultural land will be minimal and will certainly not impact negatively upon the viability of the farm business.
- 4.13** The design of the new build property has taken cognisance of the character of the existing residential dwellings and created a modern complimentary design which will enhance the overall character of the farm complex. The proposed house will not adversely affect the character of the surrounding area as the modern rural design will successfully integrate modern living with a rural location. The 1 ¼ storey property will not dominate the landscape and a level of landscape planting has been proposed to mitigate any potential visual impact.
- 4.14** With regard to criterion no.2 it is noted that the Council will not permit more than 2 houses to be built within the plan period. The current proposals only seek permission for a single dwelling at this time.
- 4.15** In response to criterion no.3, we are unaware of any developments in the surrounding area which, when combined with the current proposals, would result in a negative cumulative impact upon the landscape and amenity of the surrounding area.
- 4.16** Given the above, it is submitted that the proposed development can be viewed positively in terms of its contribution to the existing building group at Nethermains Farm and is compliant with Policy D2.
- 4.17** With regard to the design standards associated with the proposals, **Policy G1: Quality Standards for New Development** is relevant in this regard. This policy seeks to ensure high quality development in accordance with sustainability principles and it sets 15 different criteria against which new development should be assessed against. The main aspects of this policy will be covered within the submitted design statement, but for the avoidance of doubt, a few of the key aspects of the policy are detailed below with commentary.

- 1. It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form.*

Comment – The style of the proposed dwelling has been designed to compliment the surrounding rural area and the existing properties within the farm complex. It is considered that the design proposed will enhance the existing environment without detriment to the character of the rural landscape.

2. *It can satisfactorily be accommodated within the site.*

Comment – The applicant and his son own vast amounts of land which are associated with Nethermains Farm and the proposed location of the new dwelling can be easily accommodated within the building group without causing over development of the site. As noted previously, existing garden ground can be utilised and thus minimising the land take from the agricultural land. The proposals require the slight realignment of one of the field boundaries; however the loss of agricultural land will be minimal and will certainly not impact negatively upon the viability of the farm business.

8. *It provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings.*

Comment – With the slight realignment of the existing field boundary, the proposals seek to introduce a new fence line to the rear of the property which will be planted with mixed berry/beechness hedge and mixed tree planting along the eastern and western boundaries. The building will integrate well with its surroundings through its design and location, and the proposed planting will assist with screening.

12. *It is of a scale, massing, height and density appropriate to its surroundings.*

Comment – The design of the property has taken into account the character of the surrounding area, and in terms of the scale and massing of the surrounding farm buildings; it is considered that the proposed 1 ¾ storey house will be appropriate in this regard. There are a number of taller and larger buildings within the farm complex; it is considered that the proposed new dwelling will not appear to dominate in the surrounding environment.

13. *It is finished externally in materials, the colours and textures of which complement the highest quality architecture in the locality*

Comment – The more modern design of the building incorporates a pallet of materials which will compliment the rural environment and enhance the area. The design ethos has been taken from the traditional heights, lines + gable forms of the existing dwellings located within the surrounding area, the aim of the property is to create a contemporary vision of the traditional t shaped farm cottage. Traditional materials of the area have been incorporated, with natural random stonework with plumbed stone corners with no dressed stone or precast to the main feature areas; natural slate roofing to reflect the traditional roofscapes of the area; highly insulated aluminium clad timber windows pre finished in dark grey; with the remainder of walls finished in scraped finish render and larch cladding utilised to set the building and its detached garage into its natural rural environment.

4.18 It is considered that the proposals can be viewed positively in terms of Policy G1 and that the quality of the new house proposed is well designed for the rural farming location.

Scottish Borders Local Development Plan (2014)

4.19 The Local Development Plan is currently at Proposed Plan stage, and as such, should be given weight in the assessment of this application. With regard to the policies which will be for consideration, the following are thought to be relevant:

- Policy PMD4: Development Outwith Development Boundaries;
- Policy HD2: Housing in the Countryside;
- Policy DMD2: Quality Standards

4.20 The policies contained within the Proposed Plan LDP are largely the same as those contained within the adopted Local Plan and the guidance and principles sought by the LDP are the same as those detailed above. Given the similarity between the two sets of policies, and to save repetition, the responses provided above in paragraphs 4.4 – 4.18 should be taken to respond to the associated policies of the Proposed Plan LDP also. In this regard it is considered that the proposals can be viewed positively in terms of the introduction of a new dwelling house within an existing building group.

Summary

4.21 It is considered that the above has provided a clear and concise comment on all policies of the Scottish Borders Local Plan 2010 which are relevant to the current application which seeks planning permission for the proposed erection of a single dwellinghouse with associated access, infrastructure, landscaping and miscellaneous works. Following this analysis, we consider that the current proposals can be viewed positively against the relevant Local Plan policies as detailed above.

5.0 MATERIAL CONSIDERATIONS

- 5.1 This section shall supplement the previous by assessing the development proposals in relation to other material considerations deemed relevant, i.e. the applicant's employment situation and Scottish Planning Policy (SPP) 2014.

Applicant's Employment/Ownership

- 5.2 The applicant is the joint owner of Nethermains Farm and had previously moved away as his role in terms of the operation of the land/farm had lessened. The applicant now wishes to resume his employment on the farm on a semi retired basis and would like to move back to the farm. There are currently no properties available on the farm as the three existing properties are occupied and there is a need for a new house to accommodate the owner at his place of employment. The development of a house on the farm will aid the principles of sustainability and reduce car journeys to and from his place of employment.

Scottish Planning Policy 2014

- 5.3 The new SPP sets out four outcomes which detail how planning should support the 'vision'. The four outcomes seek to create a *"successful, sustainable place; a low carbon place; a natural, resilient place and a more connected place"* (SPP pages 6-7). The SPP expects development plans and new development to contribute to achieving these outcomes. The SPP then provides a host of principle policies and specific subject policies aiming to guide development.
- 5.4 With regard to the promotion of rural development the SPP states that *"the planning system should: in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces; and encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality"* (SPP page 21, paragraph 75).
- 5.5 In order to promote rural development, the SPP advises that Development Plans should:
- "make provision for housing in rural areas in accordance with the spatial strategy, taking account of the different development needs of local communities"* (SPP page 22, para 79);
- "development on prime agricultural land, or land of lesser quality that is locally important should not be permitted except where it is essential for small scale development directly linked to a rural business"* (SPP page 22, para 80);
- "in accessible or pressured rural areas...plans and decision making should generally set out circumstances in which new housing outwith settlements maybe appropriate avoiding use of occupancy restrictions"* (SPP page 22, para 81)

- 5.6** With regard to the above policy guidance from the SPP, it is noted that the proposal for the new house, whilst it is considered that the proposals comply with the Council's policies in relation to groupings, in addition to this, it is also noted that the applicant has a locational need for a house in order to allow for ease of access to his place of employment. As detailed in paragraph 5.2, the applicant is the joint owner of Nethermains Farm and now wishes to resume his employment on the farm on a semi retired basis and would like to move back to the farm to facilitate the continued operation of the farm business.
- 5.7** With regard to the SPP's guidance in relation to development of prime or locally important land, it is noted that the land associated with the proposed development site is partly garden ground and part agricultural land. The land to be removed from agricultural use is only a very small portion of the owners overall landholdings and the removal of the land from its current use would not detrimentally impact upon the viability of the farm operations. The proposals would also comply with the guidance of the SPP in that the proposals relate to a small scale development which is directly linked to a rural business as the house would be used by a farm worker/owner.
- 5.8** Whilst the proposals are considered compliant with the Council's groupings policy and wouldn't therefore require the need for an occupancy restriction to be attached to any consent, it is important to note that the use of such restrictions in any case is to be avoided as per the SPP guidance. The house can be justified on two fronts; where the house forms part of a grouping and is required for the use of a farm worker/owner. It is considered however, in line with SPP guidance and Circular 3/2012: Planning Obligations and Good Neighbour Agreements (to be discussed below) that there should be no requirement placed upon the applicant to have any consent unduly restricted by an occupancy condition or Section 75 agreement.
- 5.9** Circular 3/2012: Planning Obligations and Good Neighbour Agreements formalises the Scottish Government's advice in relation to the use of occupancy conditions and agreements. It states that *"imposing restrictions on use are rarely appropriate and so should generally be avoided. They can be intrusive, resource-intensive, difficult to monitor and enforce and can introduce unnecessary burdens or constraints"*. In this regard it is emphasised again that as the proposed new dwelling has been justified in terms of the Council's building groups policy (Policies D2 and HD2: Housing in the Countryside cat A), there should be no requirement for the proposals to be subject of an occupancy condition, should the Council approve the proposals.
- 5.10** The proposed development is considered to comply with the principles of the newly published Scottish Planning Policy, and the proposals should be recognised by the Council as appropriate in this context.

6.0 CONCLUSIONS

6.1 To summarise, we would highlight that the proposals before the Council:

- Seek planning permission for the erection of a single dwellinghouse with associated access, infrastructure, landscaping and miscellaneous works;
- are compliant with the adopted Scottish Borders Local Plan and the Scottish Borders Local Development Plan Proposed Plan;
- Can be justified in terms of the Council's building groups policies;
- Are appropriate in terms of scale, massing and design;
- Wont detrimentally impact upon the surrounding rural landscape;
- Will allow for the joint farm owner to relocate back to the farm and resume his employment;
- Can be viewed positively with regard to Scottish Planning Policy (SPP) 2014;

6.2 Accordingly, this application is commended to Scottish Borders Council and we trust the proposals will receive the support of the planning department and the Council as a whole.

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TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference: 14/00934/FUL

To: Mr Fred Millar per Keppie Planning & Development Per Laura English 160 West Regent Street Glasgow G2 4RI

With reference to your application validated on **20th August 2014** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal: Erection of dwellinghouse and detached garage

at: Land West Of 3 Nethermain's Cottage Duns Scottish Borders

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule.**

**Dated 18th March 2015
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**



Signed
Service Director Regulatory Services

D	A	Action By:
RECEIVED KEPPIE ARCHITECTS		Seen By:
31 MAR 2015		FILE:
ANS:		

APPLICATION REFERENCE: 14/00934/FUL**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
P291/LOCA	Location Plan	Refused
P291/SK1B	Floor Plans	Refused
P291/SK2	Floor Plans	Refused
P291/SK3	Elevations	Refused
P291/SK4A	Block Plans	Refused
P291/SK5	Floor Plans	Refused

REASON FOR REFUSAL

- 1 The proposal is contrary to policies G1 and D2 of the Consolidated Local Plan 2011, in that the proposed dwellinghouse would break into a previously undeveloped field outwith the natural boundaries of the building group giving rise to an adverse visual impact on the setting, appearance and character of the building group. Furthermore, no suitable economic or agricultural justification for a further dwelling house in this location has been provided.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
SERVICE DIRECTOR REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 14/00934/FUL

APPLICANT : Mr Fred Millar

AGENT : Keppie Planning & Development

DEVELOPMENT : Erection of dwellinghouse and detached garage

LOCATION: Land West Of 3 Nethermains Cottage
Duns
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY: Negotiation

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
P291/LOCA	Location Plan	Refused
P291/SK1B	Floor Plans	Refused
P291/SK2	Floor Plans	Refused
P291/SK3	Elevations	Refused
P291/SK4A	Block Plans	Refused
P291/SK5	Floor Plans	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Roads: No objection subject to conditions as follows:

New private access must be constructed to the following specification "75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1.

Parking and turning for two vehicles, not including garages, must be provided within the curtilage of the plot and retained in perpetuity.

1 No. passing place as per my specification (DC-1) to be constructed at an agreed location on the single track private road serving the site.

Visibility splays shown on the schematic block plan (Dwg No. P291/SK4A) to be provided prior to occupation of the dwelling and thereafter maintained as such in perpetuity.

Environmental Health: No objection subject to informative with regard to the siting and design of the flue and use of fuel. The plans lodged with this Application indicate the presence of a stove or solid fuel appliance. These installations can cause smoke and odour problems if not properly installed or used.

Landscape: There is no landscape based objection to the proposal. New tree and hedgerow planting is indicated on the applicant's Schematic Block Plan, drawing P291/SK4A. This should be covered by

condition and a detailed planting plan and schedule submitted for approval. Landscape Guidance notes 3 and 7 are relevant.

Education: The development is located within the catchment area for Chirnside Primary School and Berwickshire High School. A contribution of £2990 is sought for the Primary school and £4205 is sought for the High School, making a total contribution of £7195.

Community Council: No objections. There is already a building group of houses on the site.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Council Consolidated Local Plan 2011

G1 Quality Standards for New Development
G5 Developers Contributions
D2 Housing in the Countryside
H2 Protection of Residential Amenity
NE3 Local Biodiversity
NE4 Trees, Woodlands and Hedgerows
Inf4 Parking Standards

Supplementary Planning Guidance
New Housing in the Borders Countryside

Recommendation by - Lucy Hoad (Planning Officer) on 9th March 2015

Nethermains Farm lies to the south east of the village of Chirnside and is accessed via minor roads from the A6105. The farm complex comprises the main farmhouse located at the east end of the farm access track, with a mixture of traditional and modern sheds immediately adjacent and central to the group, with 2 semi-detached farm cottages positioned at the west end of the building group.

This application seeks planning consent in full for the erection of a dwellinghouse with detached garage on land to the west of cottage No1. The site (1402 sqm) is square in shape and roughly half of the site comprises part of the garden ground area of Cottage No1 and, the other, an area of arable grassland to the north. It is proposed to create a new access into the site.

The application is accompanied by plans, elevations and design statement. The layout plan illustrates the footprint of a house, set back within the plot, with provision of a new access and parking area, garage and amenity space. The design statement depicts a 1.75 storey house (pitched roof) with 1.5 storey projection (front elevation) and single storey side extension, set back to wrap around rear corner. External materials include a mixture of render, timber and stone with slate roof. The garage is single story with pitched roof (timber/slate).

The agent has submitted a planning statement to accompany the application in order to set out the case that the house is justified on two grounds.

1 The house is required for an agricultural worker under policy D2E (farmer coming out of retirement to help his son on a part time basis).

2 there is an existing building group at this location, and the proposed dwelling would be a suitable addition to the group under Policy D2A.

Under Policy D2 Housing in the Countryside, housing with a location essential for business needs may be acceptable if the Council is satisfied that

1 the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominately employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the

enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement or,

2 it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside and

3 the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing and

4 no appropriate sites exists within a building group and

5 there is no suitable existing house or other building capable of conversion for the required residential use

The submitted planning statement explains that the dwelling is for Mr F Miller (joint owner) who has come out of retirement to help his son Mr N Miller who manages and lives on the farm. Mr F Miller lives in Duns and wants to return to live and work on the farm on a part time basis only. No economic justification has been submitted for assessment in relation to the application. The submitted planning statement requests that there should be no requirement placed upon the applicant to have any consent unduly restricted by an occupancy condition or S75 agreement. The agent has confirmed that the existing farm cottages at Nethermain are occupied by non-farm workers.

In terms of the criteria of policy D2E, it is not considered that a sufficient case has been made to demonstrate that a house is justified at this location in terms of the applicant's employment. Nor has it been demonstrated that another dwelling on the farm could not be utilised for his accommodation.

Policy D2 aims to support new housing in the countryside that is associated with existing building groups. The Councils Housing in the Countryside policy requires the existence of a building group of at least 3 houses or buildings capable of conversion to residential use. It is accepted that there is an established building group at this location to include the main farmhouse and 2 cottages.

Policy allows for a 30% addition to the building group or an additional two dwellings. The calculations on building group size are based on the existing number of housing units within the group at the start of the local plan period, including those units under construction or nearing completion. For this group the base line figure is considered to be 3 units.

Supplementary Planning Guidance requires that any new development should be limited to the area contained by the sense of place of the grouping. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group.

The proposed site lies to the west of the existing farm cottages which would extend/enlarge the group along the roadway. The applicant was requested to demonstrate that there were no more suitable sites within the group for the proposed dwelling. The agent advised the current site was preferred.

In considering the extent of the site, and the footprint of the proposed development, it was felt that the site and footprint of the house extended beyond the limits of the group, comprising the boundary of the mature planting encircling the existing garden ground of the farm cottages. The applicant was requested to consider a smaller development footprint to reflect the neighbouring cottages and to pull the footprint of the house forward to match the front building line of the adjacent dwellings in order ensure the new house would sit comfortably within the limits of the group.

The agent advised that it was preferred to maintain a curtilage boundary to the new plot to the north that would extend in line with the adjacent cottages, this would allow the dwelling (same footprint) to shift forward but the plot would still require alteration to the field boundary/break into the undeveloped field.

Taking into account the advice provided in the supplementary planning guidance relating to sense of place, whilst the garden ground area was accepted to related well to the existing grouping, and could provide for a modest dwelling in proportion with the existing cottages, consideration has to be given to the existing natural and man made boundaries that exist, the principle of extending into the adjacent field was not considered to be necessary/acceptable on this occasion.

Amenity

The agent advised that the farm business comprised pigs and cattle (not dairy) and details on livestock numbers were sought. However no details of livestock numbers or management procedures have been provided to date. Without this information the issues of odour/noise cannot be formally assessed. Policy advises that sites within 400m of existing intensive livestock units will not normally be permitted unless required in connection with the farm or business itself. No business case has been provided to date and the planning statement advises that the applicant does not wish the house to be tied to the farm.

There are no issues of loss of privacy or light stemming from the proposals. In respect of the proposed heating system, the Environmental Health Officer has advised an informative with regard to flue siting and appliance maintenance is required.

Services

It is proposed to connect to the public water supply and public drainage with private Suds provision.

Access and parking

It is noted that the Roads Officer has not raised an objection to the principle of the proposal, provided certain road works are undertaken, to include provision of visibility splays, a single passing place (location to be agreed), in line with his specification for private access, and the provision of parking and turning for 2 vehicles within the plot.

Landscaping

New fencing and landscaping is proposed in order to screen the development within wider views into the site. This includes planting between the proposed dwelling and existing cottages which creates a separation effect.

The Landscape Architect does not object to the proposals but advises a condition be used to ensure a planting plan and schedule is agreed for any new planting in connection with the development.

Developer Contributions

The Education Department seek developer contributions in respect of Lifelong Learning (Chirnside Primary School and Eyemouth High School) totalling £7195.

The community council were consulted on the application and raised no objections. No third party representations have been received in respect of the application.

REASON FOR DECISION :

The proposal is contrary to policies G1 and D2 of the Consolidated Local Plan 2011, in that:

No suitable economic or agricultural justification for a further dwelling house in this location has been provided.

The site would break into a previously undeveloped field outwith the natural boundaries of the building group giving rise to an adverse visual impact on the setting, appearance and character of the building group.

Recommendation: Refused

- 1 The proposal is contrary to policies G1 and D2 of the Consolidated Local Plan 2011, in that the proposed dwellinghouse would break into a previously undeveloped field outwith the natural boundaries of the building group giving rise to an adverse visual impact on the setting, appearance

and character of the building group. Furthermore, no suitable economic or agricultural justification for a further dwelling house in this location has been provided.

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.